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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,625	09/13/2000	Velpandi Ayyavoo	UPAP-0287	8820
34137	7590	03/10/2005	EXAMINER	
COZEN O'CONNOR, P.C. 1900 MARKET STREET PHILADELPHIA, PA 19103-3508			SCHEINER, LAURIE A	
		ART UNIT	PAPER NUMBER	
				1648

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/486,625	AYYAVOO ET AL.	
<b>Examiner</b>	<b>Art Unit</b>		
Laurie A. Scheiner	1648		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 22 September 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 3-5,7-11 and 18-34 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 4, 5, 9, 11, 19-31, 33 and 34 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 29 February 2000 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/22/01 and 8/29/01.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_.

**DETAILED ACTION**

***Priority***

Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

***Oath/Declaration***

***Information Disclosure Statement***

The information disclosure statements filed on 1/22/01 and 8/29/01 have been considered. An initialed copy is enclosed.

***Election/Restrictions***

Applicant's election of Group 21 (SEQ ID NO:27) on September 22, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). The requirement is deemed proper and is therefore made FINAL. Amended claims 3-5, 7-11 and 18-34 are considered below. Claims 22, 25, 27, 29, 31, 33 and 34 are read with the limitation of either SEQ ID NO:4 or SEQ ID NO:27, respectively.

Claims 21, 24, 28 and 32 are objected to because of the following informalities: "a Glutamine at a position corresponding to Glycine at position 44 of SEQ ID NO:1" is recited in each respective claim. However, Glycine does not correspond to position 44 of SEQ ID NO:1. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 5, 9, 11, 19-31, 33 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are of improper dependent form for

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failing to further limit the subject matter of a previous claim. Claims 4, 5, 9, 11, 19-31, 33 and 34 do not further limit claim 3 from which they respectively ultimately depend since the amino acids encompassed by claim 3 are different (in sequence) from SEQ ID NO:4. The amino acid sequence set forth by SEQ ID NO:1 is a chemical compound that is structurally different from the amino acid sequence of SEQ ID NO:4. Moreover, it follows that if SEQ ID NO:27 encodes SEQ ID NO:4, and SEQ ID NO:4 differs in sequence from SEQ ID NO:1, then it follows that SEQ ID NO:1 cannot comprise SEQ ID NO:27, even accounting for genetic degeneracy. The corresponding amino acid differences between SEQ ID NO:1 and SEQ ID NO:4 are too numerous to list. However, to illustrate, the following amino acids do not correspond: the Arg at position 40 in SEQ ID NO:1, is a His in SEQ ID NO:4; Glu at position 44 of SEQ ID NO:1 is a Gln in SEQ ID NO:4; the Thr at position 65 of DEQ ID NO:1 is an Ile in SEQ ID NO:4; the Thr at position 67 of SEQ ID NO:1 is Ser in SEQ ID NO:4; and, the Pro at position 162 of SEQ ID NO:1 is an Ala in SEQ ID NO:4. Again, all corresponding amino acid differences are too numerous to list but said differences clearly illustrate that the dependent claims fail to further limit the subject matter of the previous claim. As such, applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 3, 7, 8, 10 and 18 appear to be free of the prior art.

### ***Conclusion***

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Scheiner, whose telephone number is (571) 272-0910. Due to a flexible work schedule, the examiner=s hours typically vary each day. However, the examiner can normally be reached Monday thru Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner=s supervisor, James Housel, can be reached on (571) 272-

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0902. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is (571) 272-1600.

Correspondence related to this application may be submitted to Group 1600 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

  
Laurie Scheiner/LAS  
February 24, 2005

  
Laurie Scheiner  
Primary Examiner  
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